

## Exhibit 3

**From:** England, Travis  
**To:** Weiss, Dara (Law); AG-NYPDLitigation; Sow-Legal; sierrateam@moskovitzlaw.com; "paynelitigationteam@nyclu.org"; wood@kilflaw.com; Andrew Stoll; GrayLegalTeam@dwt.com <GrayLegalTeam@dwt.com>  
**Cc:** Weng, Jenny (Law); Kaufman, Rachel (LAW); DiSenso, Anthony (Law)  
**Subject:** Re: In re: Protests cases - conferral regarding status of document searches  
**Date:** Thursday, December 2, 2021 3:49:42 PM  
**Attachments:** 9-10 Ltr Conferral Outstanding Items 12.01.2021.docx

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Dara,

I write to follow up on our ongoing court-ordered conferral regarding Plaintiffs' September 10 letter and the status of Defendants' searches for and production of documents responsive to Plaintiffs' First Consolidated Set of Requests for Production of Documents ("Plaintiffs' Requests"). There are a number of items about which we have not yet received updates from Defendants. To expedite and facilitate things, we put together the attached table, which compiles the remaining outstanding items and includes placeholders for the questions we have been asking about these categories of documents. Please provide responses, and share any other updates you have regarding other outstanding items, by close of business Monday.

In addition, while we still have questions regarding the status of some of the items we have already discussed, among other things, you have promised the following at our recent conferrals and/or in written updates:

- **Request Nos. 3 & 4 -**

- You have stated that you have received a large batch of training documents that you would produce following the OTM emails. Please produce these by COB Monday.
- You advised that Defendants already produced "Patrol Guide Histories" and were going to send us the bates numbers of such documents. Please provide these bates numbers by COB Monday.
- You stated that additional searches for policies and training going back to 2004 and the RNC protests were underway. By COB Monday, please provide an update as to the status of these searches, including the sources searched, whether Defendants have located additional documents, and when Defendants will be producing them.

- **Request Nos. 8(h)-(i)**

- You stated that Defendants were compiling the list of all officers whose BWC footage was collected. Please send us this list by COB Monday.

- **Request No. 8(j)**

- You informed us that you have collected an unspecified number of ICAD/SPRINT reports. Please produce these by COB Monday, and also by that date let us know whether any searches for additional ICAD/SPRINT reports remaining outstanding, and when you will be producing any such remaining documents.

- **Request No. 8(m)**

- You informed us that you have collected an unspecified number of command logs from MAPCs. Please produce these documents by COB Monday, and also by that date let us know whether any searches for additional MAPC command logs remaining outstanding, and when you will be producing any such remaining documents.

- **Request Nos. 9(c)-(d)**

- You have not confirmed whether Defendants have searched for "scratch" versions and "supplements" of arrest reports. Please provide the status of Defendants' search for and collection of such documents by COB Monday.
- Additionally, you have raised various burden arguments regarding searching for all protest-related arrest reports that were not already produced in Defendants' reproduction to Plaintiffs arrest records that had previously been compiled and produced to OAG/DOI in 2020. You have advised that sometimes officers added a "code" to arrest reports that flag them as protest-related. By COB Monday, please confirm whether all arrest records with such coding have been searched for and produced, including any arrest records pertaining to all protests appearing on Schedule A to Plaintiffs' Requests.

- **Request No. 9(f)**

- You informed us that NYPD allegedly destroys all "buddy photos" taken at or near the time of arrest after 24-hours, but have not provided information about where these photographs are stored (even temporarily), whether copies are kept anywhere (including on officers' phones or other devices), or any information regarding written protocols regarding the destruction of these photographs. By COB Monday, please provide this information.
- Additionally, you have not provided information regarding other types of photographs besides what you have described as "buddy photos" that may exist in relation to the processing of arrestees. For example: one digital photograph of the arrestee and arresting/assigned officer is required to be created outside the transport vehicle before getting to the arrest processing facility, which is covered in large scale arrest situations by PG 213-06; and one digital photograph of the arrestee and arresting/assigned officer – called an "Event Photo Report" - is apparently created at the MAPC, presumably by CJB officers; and as to at least some arrests, a Prisoner Movement Slip is also created, which we understand to be populated with a digital photograph taken at the arrest processing location (whether precinct or MAPC). By COB Monday, please provide information about the status of Defendants' searches for such photographs, which would also be responsive to Plaintiffs' Requests.

- **Request Nos. 17, 30, 31, 35**

- You have claimed that responsive documents would be in the IAB and CCRB productions that Defendants have previously produced. However, as explained in

Plaintiffs' September 10 letter, Defendants' production of IAB records is a mere reproduction of documents that were produced to the OAG and DOI last year. By COB Monday, please explain what steps Defendants have taken to search for any documents that were not searched for, collected, and produced to OAG/DOI in 2020, including but not limited to any documents pertaining to protests identified on Plaintiffs' Schedule A occurring after the time NYPD produced records to OAG/DOI.

- **Request No. 25**

- You informed us that some unspecified number of responsive documents have been collected but not yet produced, and stated that you would produce them by November 24, but you did not. Please produce these documents by COB Monday, and let us know whether any searches for additional responsive documents remain ongoing, and when Defendants' will produce documents after those searches are complete.

- **Request No. 36**

- You informed us that some unspecified number of responsive documents have been collected but not yet produced, and stated that you would produce them by November 24, but you did not. Please produce these documents by COB Monday, and let us know whether any searches for additional responsive documents remain ongoing, and when Defendants' will produce documents after those searches are complete.

- **Request No. 37**

- You have stated that Defendants are maintaining various objections stated in their Second Amended Responses to Plaintiffs' Requests. By COB Monday, please state with specificity all details regarding any burdens Defendants allege exist in searching for, locating, collecting, and producing responsive documents.

We look forward to your response.

Thank you,

Travis

**Travis W. England | Deputy Bureau Chief**

New York State Office of the Attorney General, Civil Rights Bureau

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Pronouns: he/his/him

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**From:** Weiss, Dara (Law) <daweiss@law.nyc.gov>

**Sent:** Wednesday, November 17, 2021 5:51 PM

**To:** England, Travis <Travis.England@ag.ny.gov>; AG-NYPDLitigation

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**Cc:** Weng, Jenny (Law) <jweng@law.nyc.gov>; Kaufman, Rachel (LAW) <RKaufman@law.nyc.gov>;

DiSenso, Anthony (Law) <adisenso@law.nyc.gov>

**Subject:** Re: In re: Protests cases - conferral regarding status of document searches

- With respect to ICAD's (sprints) I have received a number of them and they are currently being reviewed and prepared for production. I will confirm whether this batch is all of the relevant ICAD's and if it is not, when the rest will be produced.
- I have received the MAPC command logs, and likewise, they are being reviewed and prepared for production. With respect to command logs for all precincts where all arrests were processed from all 83 protests, I have some, but locating them is a very time consuming process. To the extent you are aware of what precincts arrestees were taken to, that will ease the burden. Otherwise it becomes a matter of checking nearly every precinct's command logs (which are not computerized) for a protest date and reading the entire day's entries to determine the names of arrestees, and then checking the arrest reports to determine if those arrests were protest related.
- With respect to photos which we were referring to as "buddy photos," They are taken by CJB personnel and purged within 24 hours. They are not entered into photo manger. The photos are taken at MAPC by CJB personnel for identification purposes only so they know what officer brought in what arrestee. They no longer exist.
- With respect to arrest reports for all individuals arrested at all protests, once again, a very labor intensive process. All arrest reports for all protest dates would have to be manually pulled and reviewed to try and determine if it was a protest-related arrest. Although there was a code that arresting officers could use to note that a certain arrest was protest-related, that code is not always used, so it is not a good indicator of all the arrests. There is no simpler, less burdensome way of collecting arrest reports.
- I have checked on the training documents. They are nearly ready for production. They will be produced after the Office of the Mayor documents which are being produced this Friday.

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Dara L. Weiss  
Senior Counsel

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Special Federal Litigation  
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**From:** Weiss, Dara (Law)  
**Sent:** Wednesday, November 17, 2021 9:08 AM  
**To:** England, Travis <Travis.England@ag.ny.gov>; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Sow-Legal <Sow-Legal@blhny.com>; sierrateam@moskovitzlaw.com <sierrateam@moskovitzlaw.com>; 'paynelitigationteam@nyclu.org' <paynelitigationteam@nyclu.org>; wood@klflaw.com <wood@klflaw.com>; Andrew Stoll <astoll@stollglickman.com>; GrayLegalTeam@dwt.com <GrayLegalTeam@dwt.com> <graylegalteam@dwt.com>  
**Cc:** Weng, Jenny (Law) <jweng@law.nyc.gov>; Kaufman, Rachel (LAW) <RKaufman@law.nyc.gov>; DiSenso, Anthony (Law) <adisenso@law.nyc.gov>  
**Subject:** RE: In re: Protests cases - conferral regarding status of document searches

I will provide responses before the end of today

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**From:** England, Travis <Travis.England@ag.ny.gov>  
**Sent:** Wednesday, November 17, 2021 9:06 AM  
**To:** Weiss, Dara (Law) <daweiss@law.nyc.gov>; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Sow-Legal <Sow-Legal@blhny.com>; sierrateam@moskovitzlaw.com; 'paynelitigationteam@nyclu.org' <paynelitigationteam@nyclu.org>; wood@klflaw.com; Andrew Stoll <astoll@stollglickman.com>; GrayLegalTeam@dwt.com <GrayLegalTeam@dwt.com> <graylegalteam@dwt.com>  
**Cc:** Weng, Jenny (Law) <jweng@law.nyc.gov>; Kaufman, Rachel (LAW) <RKaufman@law.nyc.gov>; DiSenso, Anthony (Law) <adisenso@law.nyc.gov>  
**Subject:** [EXTERNAL] Re: In re: Protests cases - conferral regarding status of document searches

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Dara -

At our conferral last Wednesday you advised that you were gathering additional information on the status of Defendants' searches for a number of categories of documents to provide us by either the end of last week or early this week. It is now Wednesday and we have not received any information from you. Do you have an update?  
Separately, at several of our conferrals (October 27, November 3), you had stated Defendants would be producing a batch of training documents responsive to several of Plaintiffs' Requests

for Production by November 10. We did not receive these documents. Do you have an update?

Thank you,

Travis

**Travis W. England | Deputy Bureau Chief**

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Pronouns: he/his/him

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**From:** Weiss, Dara (Law) <[daweiss@law.nyc.gov](mailto:daweiss@law.nyc.gov)>

**Sent:** Wednesday, November 10, 2021 11:49 AM

**To:** England, Travis <[Travis.England@ag.ny.gov](mailto:Travis.England@ag.ny.gov)>; AG-NYPDLitigation

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**Subject:** RE: In re: Protests cases - conferral regarding status of document searches

In the hopes that we can expedite the conversation:

We can start today's conversation with some follow up on 8(j)-10

#17: Documents concerning Officers receiving discipline for misconduct occurring during the Protests, or who have been recommended to receive discipline for such misconduct.

Defendants have provided IAB and CCRB records concerning complaints and discipline. As some of the investigations may still be ongoing or "open," we will continue to update as required by the Federal Rules

#18: Documents concerning communications from May 25, 2020 to present between and among any and all NYPD personnel and personnel of the Office of the Mayor, including Mayor de Blasio or his designees, and the Mayor's Office of Criminal Justice, regarding NYPD's planning for and response to any protest anticipated to take place in New York City following the death of George Floyd, including but not limited to the Protests.

Information/documents responsive to this request will be provided in the e-mail discovery disclosures to be provided

#19: Documents concerning communications about any protest anticipated to take place in New York City following the death of George Floyd, including but not limited to the Protests from May 25, 2020 to present, by Defendants Mayor de Blasio, Commissioner Shea, Chief Monahan, and all

Borough Commanders, and Deputy Commissioner of Intelligence John Miller.

Information/documents responsive to this request will be provided in the e-mail discovery disclosures to be provided

#20: Documents received by, referenced, or reviewed by Mayor de Blasio, Commissioner Shea, and/or Chief Monahan, Borough Commanders, Deputy Commissioner of Intelligence John Miller, and Incident Commanders documenting occurrences and/or interactions between Officers and civilians at any and all Protest Locations from May 28, 2020, to present.

Information/documents responsive to this request will be provided in the e-mail discovery disclosures to be provided

#25: Documents concerning reports, reviews, communications, discussions, assessments, and analyses, including but not limited to after-action reviews, Sentinel Event reviews, postmortem reviews, and project debriefs, concerning the NYPD's deployment of officers to protests related to Occupy Wall Street (2011-2012) and in response to the death of Eric Garner (2014-2015).

Defendants will produce responsive documents within two weeks

#26: Documents concerning the decision by then-District Judge Richard Sullivan concerning defendant Monahan's actions as reported in *Dinler v. City of New York*, No. 04 Civ. 7921 (RJS) (JCF), 2012 U.S. Dist. LEXIS 141851, at \*27-39 (S.D.N.Y. Sept. 30, 2012), including but not limited to discipline of defendant Monahan, changes in policies, directives, orders, and/or instructions concerning group arrests.

After clarification, defendants stated in their Second Amended Responses to Plaintiffs' First Consolidated Set of Document Requests they would search for information concerning changes made at NYPD or discipline to Chief Monahan after the Abdell decision. Although many changes have been made since the Abdell decision, defendants cannot relate any specific change to the Abdell decision

#27: Documents concerning the jury's verdict against defendant Monahan in *Abdell v. City of New York*, No. 05 Civ. 8453 (RJS) (S.D.N.Y.), including but not limited to discipline of defendant Monahan.

After clarification, defendants stated in their Second Amended Responses to Plaintiffs' First Consolidated Set of Document Requests they would search for information concerning changes made at NYPD or discipline to Chief Monahan after the Abdell decision. Although many changes have been made since the Abdell decision, defendants cannot relate any specific change to the Abdell decision

#28: Documents concerning the payment of the punitive damages awarded in *Abdell v. City of New York*, No. 05 Civ. 8453 (RJS) (S.D.N.Y.).

This request was fully responded to in Defendants' Second Amended Responses to Plaintiffs' First Consolidated Set of Document Requests

#29: Documents concerning any complaint made to, or investigation by the NYPD or CCRB, of any NYPD officer displaying a "white power" symbol during any of the Protests

Defendants have provided IAB and CCRB records concerning complaints made during the protests. If any complaints of the type mentioned in Request 29 were made, they would be



captured in of the aforementioned IAB/CCRB records

#30: Documents concerning any complaint made to or investigation by the NYPD or CCRB, of any NYPD officer for making racist statements or for racist conduct, including but not limited to, racial profiling.

Defendants have provided IAB and CCRB records concerning complaints made during the protests. If any complaints of the type mentioned in Request 30 were made, they would be captured in of the aforementioned IAB/CCRB records

#31: Documents concerning any discipline of any NYPD officer for use of racist language during the Protests

Defendants have provided IAB and CCRB records concerning complaints made during the protests. If any complaints of the type mentioned in Request 31 were made, they would be captured in of the aforementioned IAB/CCRB records

#36: Unusual Incident reports (UF-49s), after-action reports, to/from memoranda, and Mass Arrests Reports, made or maintained at any time, concerning the following protests:

- a) World Economic Forum protests in 2002;
- b) Republican National Convention protests in 2004;
- c) Occupy Wall Street in 2011 and 2012;
- d) Black Lives Matter protests between 2013 and 2020;
- e) Pro-Trump car caravans on November 1, 2020.

Defendants will produce responsive documents, including Unusual Incident Reports, after-action reports and mass arrest reports from RNC(2004)-on within two weeks, to the extent any exist. As stated in their Second Amended Responses to Plaintiffs' First Consolidated Set of Document Requests, defendants are maintaining their objections to producing these documents from pre-RNC. The term "to/from memoranda" is too vague/overbroad to provide a response.

#37: Documents concerning complaints, made at any time, alleging NYPD excessive force and use of racial epithets during policing of each protest listed in Request No. 36

Defendants maintain their objections as stated in Defendants' Second Amended Responses to Plaintiffs' First Consolidated Set of Document Requests

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**From:** England, Travis <[Travis.England@ag.ny.gov](mailto:Travis.England@ag.ny.gov)>

**Sent:** Wednesday, November 10, 2021 8:50 AM

**To:** Weiss, Dara (Law) <[daweiss@law.nyc.gov](mailto:daweiss@law.nyc.gov)>; AG-NYPDLitigation <[AG.NYPDLitigation@ag.ny.gov](mailto:AG.NYPDLitigation@ag.ny.gov)>; Sow-Legal <[Sow-Legal@blhny.com](mailto:Sow-Legal@blhny.com)>; sierrateam@moskovitzlaw.com; 'paynelitigationteam@nyclu.org' <[paynelitigationteam@nyclu.org](mailto:paynelitigationteam@nyclu.org)>; wood@klflaw.com; Andrew Stoll <[astoll@stolllickman.com](mailto:astoll@stolllickman.com)>; GrayLegalTeam@dwt.com <[GrayLegalTeam@dwt.com](mailto:GrayLegalTeam@dwt.com)> <[graylegalteam@dwt.com](mailto:graylegalteam@dwt.com)>

**Subject:** [EXTERNAL] Re: In re: Protests cases - conferral regarding status of document searches

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Thank you. Please send any written updates in advance to expedite our conversation.

-Travis

**Travis W. England | Deputy Bureau Chief**

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**From:** Weiss, Dara (Law) <[daweiss@law.nyc.gov](mailto:daweiss@law.nyc.gov)>

**Sent:** Wednesday, November 10, 2021 8:47 AM

**To:** England, Travis <[Travis.England@ag.ny.gov](mailto:Travis.England@ag.ny.gov)>; AG-NYPDLitigation <[AG.NYPDLitigation@ag.ny.gov](mailto:AG.NYPDLitigation@ag.ny.gov)>; Sow-Legal <[Sow-Legal@blhny.com](mailto:Sow-Legal@blhny.com)>; [sierrateam@moskovitzlaw.com](mailto:sierrateam@moskovitzlaw.com) <[sierrateam@moskovitzlaw.com](mailto:sierrateam@moskovitzlaw.com)>; 'paynelitigationteam@nyclu.org' <[paynelitigationteam@nyclu.org](mailto:paynelitigationteam@nyclu.org)>; [wood@klflaw.com](mailto:wood@klflaw.com) <[wood@klflaw.com](mailto:wood@klflaw.com)>; Andrew Stoll <[astoll@stollglickman.com](mailto:astoll@stollglickman.com)>; [GrayLegalTeam@dwt.com](mailto:GrayLegalTeam@dwt.com) <[GrayLegalTeam@dwt.com](mailto:GrayLegalTeam@dwt.com)> <[graylegalteam@dwt.com](mailto:graylegalteam@dwt.com)>

**Subject:** RE: In re: Protests cases - conferral regarding status of document searches

[EXTERNAL]

We are available to meet from noon until 1pm today

-----Original Appointment-----

**From:** England, Travis <[Travis.England@ag.ny.gov](mailto:Travis.England@ag.ny.gov)>

**Sent:** Tuesday, November 9, 2021 2:03 PM

**To:** England, Travis; AG-NYPDLitigation; Sow-Legal; [sierrateam@moskovitzlaw.com](mailto:sierrateam@moskovitzlaw.com); 'paynelitigationteam@nyclu.org'; [wood@klflaw.com](mailto:wood@klflaw.com); Andrew Stoll; [GrayLegalTeam@dwt.com](mailto:GrayLegalTeam@dwt.com) <[GrayLegalTeam@dwt.com](mailto:GrayLegalTeam@dwt.com)>; Weiss, Dara (Law); Weng, Jenny (Law); DiSenso, Anthony (Law); Kaufman, Rachel (LAW)

**Subject:** In re: Protests cases - conferral regarding status of document searches

**When:** Wednesday, November 10, 2021 12:00 PM-1:45 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** <https://nyoag.webex.com/nyoag/j.php?MTID=meff98b8265a69cc3c34207532aafaed0>

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